

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- versus -

JULIO EVANS,

Defendant.

ORDER DENYING SENTENCE
REDUCTION

08-CR-264 (JG)

JOHN GLEESON, United States District Judge:

I conclude that Mr. Evans is not entitled to a sentence reduction pursuant to 18 U.S.C. §3582(c).

First, Mr. Evans was sentenced to the mandatory minimum of ten years. Thus, unless the government were to agree to vacate the mandatory minimum charge, no relief would be permissible. I acknowledge that it appears that Evans, a street-level dealer who had a minor role in the offense, would not be charged with a mandatory minimum under the DOJ policy as revised in August 2013, and that in another case I have asked the United States Attorney to consider agreeing to an order vacating the mandatory minimum sentence. However, in light of (1) the second ground for the denial (set forth below); (2) Mr. Evans' disciplinary record in prison; and (3) administrative concerns (particularly since the amount of time at stake -- the difference between November 1, 2015 and Evans' projected release date of January 21, 2016 -- is not great), it does not seem appropriate to make a similar request here.

Second, the sentence imposed, 120 months, is already lower than the bottom end of Evans' revised range calculated pursuant to the retroactive reduction.

Accordingly, there shall be no reduction in Mr. Evans' sentence. The oral argument scheduled for January 8, 2015 is cancelled. Former counsel for Evans, Mr. Weil, is respectfully directed to take steps to inform Evans of this order prior to January 8, 2015.

So ordered.

John Gleeson, U.S.D.J.

Dated: January 6, 2015
Brooklyn, New York